

Don Gardner Consulting Arborist



THE SHOAL CREEK PECAN IN THE 300 BK OF BOWIE STREET

September 12, 2011

I examined the 32-inch in diameter pecan (tag #6805), on the east side of the 300 block of Bowie Street on August 3,2011, at the request of the Austin Heritage Tree Foundation.

One of the reasons this tree has become a controversy is because it is such a great tree. It is a very large native pecan (the state tree), with a strong and beautiful form, (or architecture), and, it is in excellent health. It is an outstanding specimen of a river/creek bottom pecan, right in downtown.

AMBRICAN POCIETY #/

In addition, just recently, guided through years of "process," it became law in the City of Austin that you can't remove a good tree, 30-inches in diameter or larger, without going through a relatively rigorous political process.



It is now incumbent on property owners who wish to develop their property, that they look very carefully at the implications the design of their project has on heritage trees.

Fortunately, this tree and property has a win-win solution.

If the full (100 percent) critical root zone, (crz), of this pecan is protected during construction, no matter what is constructed, it will not only survive construction, but it will flourish for decades into the future.



If this tree is required to be retained, then the project design will most likely leave this tree (and the other large pecan beyond) open all the way down to Shoal Creek, which is right there. The parking lot retaining wall, and its fill, could be removed, returning to a more natural slope to the creek. This would also return some of the parking lot back to tree root habitat.

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One of the reasons this tree has survived, (despite asphalt over much of its root system, fill soil over much of its root system, and a concrete footing across its south root crown), is because this tree probably has roots all the way down to the creek. The roots would have grown there before the wall and fill.

Retaining this tree will be a design win for the new building because it will have this tree--wide-open to the lower stories, right there, all the time. The view will look into this tree and all the way down to the creek. It will be landscaped and have trails down to the creek trail, and it will become one of the most beautiful areas of downtown.

Another design bonus is the look this tree will give the building from Fifth Street. This tree goes up six floors!

It is my opinion, as a seasoned tree appraiser, that this pecan adds approximately \$50,000 of value to this property.

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Don Gardner, RCA

Registered Consulting Arborist #438

Certified Arborist TX0228

Tree and Landscape Appraiser

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Thomas D. Hayes 4800 Quicksilver Blvd Austin, TX 78744 October 5, 2011

Planning Commission
City of Austin
Re: Shoal Creek Pecan, 300 Block of Bowie Street

Dear Chair Sullivan and Fellow Commissioners:

Please accept these comments concerning the proposed variance for the Shoal Creek Pecan (tag # 6805). For 33 years, I have worked as a forest biologist, land-water resource manager, and landscape ecologist. I earned a B.A. in ecosystem biology from Rice University, a Masters in forest biology from Yale University, and a Ph.D. in the conservation of disturbed forest landscapes from the University of California, Berkeley. I have authored over 100 publications and technical papers, plus numerous conference and workshop presentations. I am currently the Executive Director and Senior Scientist of a 19-year old nonprofit in Austin, the Environmental Conservation Alliance (ECA). ECA contracts and service projects emphasize the restoration of riparian forests in east and central Texas. I am also the Vice Chair of the City of Austin (COA) Urban Forest Board. However, I offer the following comments as a private Austin resident.

I examined the subject 32-inch diameter pecan, most recently on September 15, 2011. I have also discussed mitigation and preservation options with COA staff and concerned citizens. I fully agree with Don Gardner's (consulting arborist) letter dated September 12, 2011. This outstanding heritage tree will continue to thrive during, and for decades after, planned construction activities, if the critical root zone is protected. The tree will further benefit from the careful removal of the retaining wall, asphalt, and fill associated with the existing parking lot. Continuous root barriers separating the tree from the riparian zone along Shoal Creek should be avoided during on-site development and adjacent trail construction. Supplemental watering should also be a permit requirement.

I strongly recommend preservation in lieu of a variance allowing off-site mitigation, due to the innate environmental, historical, and community values of this heritage tree, and city-code requirements. True off-site mitigation of its ecosystem functions and esthetic values is impossible. Street trees are already required by city code. In any case, downtown street trees, planted according to current COA specifications for small planters with root barriers, will decline and die after 10-15 years, and never attain heritage tree status. Plantings within the banks and active floodplain of Shoal Creek will also not provide mitigation, due to the creek being a major conduit of floodwaters that preclude long-term tree survival. Due to these critical constraints, any mitigation expenditures in the downtown area would most likely be directed towards ground cover and shrub plantings, as indicated by Keith Mars (COA staff arborist) at the Planning Commission public hearing on September 27, 2011.

The most essential resource represented by the Shoal Creek Pecan is the large soil volume by which it is sustained. Walter Passmore (COA Urban Forester) and others agree. An extreme rarity now in downtown Austin, this soil volume is irreplaceable, but absolutely critical to the maintenance of this and future heritage trees.

Please do not grant the first COA variance to remove a healthy heritage tree, which is a last remnant of the riparian forests that once characterized downtown Austin. Instead, please require perpetual tree maintenance and replacement within a pocket park as a public amenity along the Shoal Creek trail.

Sincerely, Haya

Thomas D. Hayes, Ph.D. Telephone: 512-439-9597

Email: tdhayes3@gmail.com

ALL 30 SIGNATURES OBTAINED MILHR.

PETITION FOR SAVING THE BOWIE STREET PECAN TREE C3

There is a variance pending (October 11) at the Planning Commission to allow the removal of the heritage pecan tree located at 315 Bowie Street. A 7 story parking garage and a 32 story mixed use tower will be built on the site. An alternative design can save the tree and create a small pocket park by the new building. Please sign this petition to save the tree and create the small pocket park.

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Drane Thor			(039570146	
John Finley	7501 Pinelest Place		206-6250	
Josh Holder	1900B Jentsch Ct Austin, Tx 7874S	jwaholdenegimil.co	n	
When Down		MATER 5 DANIEL @ GMAIL . COM		
Paul Alors		Theronmore @ Jahoo. 60	14	
mast Korl	1200 (marki 11/1/313)	thutziy-19757e2 Yühobcom		
Lavren Neuse	800 W. Sm St Austin	Lucen. Nease @ Ognail.com		
Mrease	800 W 5th st. Austin	Deborahnease Esmail.com		

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Name	Address	e-mail	Telephone]
Meaghan Herriann		negetisehagmail.		
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Annetta	25:05 E. 10th Street	==		1
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Name	Address	e-mail	Telephone
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Anguiano, Dora

From:

Will Marsh William

Sent:

Tuesday, October 04, 2011 6:15 PM

To:

Mars, Keith; Anguiano, Dora

Subject: RE: Bowie Street - Planning Commission Materials

Keith / Dora.

If you could please forward the information below to the Planning Commission I would very much appreciate it. Our architect, Jason Crist with HKS, assembled this information in an effort to respond to Commissioner Tiemann's questions regarding minimum parking required by code in downtown Austin at the last Planning Commission meeting. Should any of the Commissioners have questions regarding this information, please let us know.

25-6-591 PARKING PROVISIONS FOR DEVELOPMENT IN THE CENTRAL BUSINESS DISTRICT (CBD) AND A DOWNTOWN MIXED USE (DMU) ZONING DISTRICT.

- (3) except as provided in Subsections (A)(4) and (B), the minimum parking facility requirement is 20 percent of the number of parking spaces required by Appendix A (Tables Of Off-Street Parking And Loading Requirements) and the maximum parking facility requirement is 60 percent of the number of parking spaces required by Appendix A (Tables Of Off-Street Parking And Loading Requirements); and
- (4) a parking facility for a residential use must provide at least 60 percent of the number of parking spaces required by Appendix A (Tables Of Off-Street Parking And Loading Requirements):

Austin Residential Parking Code Requirements for CBD/DMI

Residential Portion

				Base		
Endeavor Unit Mix:	350	Units		Code	_CBD/DMU	
				i	60% of	
		Units	Car Ratio	Cars Req	Base	
Studio:	15%	52	1 Car/Unit	52	32	
1Bdr:			1.5		4	
	40%	140	Cars/Unit	210	126	
1Bdr + Den:			1.5 +			
	10%	35	0.5/Bed	70	42	
2Bdr:		,				
			1.5 +			

¥1	30%	105	0.5/Bed	210	126	
3Bdr:						
5:	5%	18	1.5 + 0.S/Bed	45	27	
		350		587	353	Minimum

Base Code

Office Portion

Cars Req CBD/DMU

Min 20% of Base, Max

60% of Base

Proposed Office SF

41,000 sf

CoA Base Parking

Ratio 1/275sf =

149

30 - 90

Range

Required Minimum Parking Totals

383

Thank you,

Will Marsh Endeavor Real Estate Group 504 Lavaca Street, Suite 1160 Austin, Texas 78701 (512) 682-5550 direct (512) 947-6174 mobile (512) 682-5507 fax

From: Mars, Keith [mailto:Keith.Mars@austintexas.gov]

Sent: Saturday, October 01, 2011 9:16 AM

To: Dora Anguiano Cc: Will Marsh

Subject: Fwd: Bowie Street - Planning Commission Materials

Dora,

Will you please forward this email to the Planning Commission and cc: me? Thank you.

Keith Mars

Sent from my iPhone

Begin forwarded message:

From: "Will Marsh" < WMarsh@ENDEAVOR-RE.com>

To: "Mars, Keith" < Keith.Mars@austintexas.gov>

Cc: "Michael.embesi@ci.austin.tx.us" < Michael.embesi@ci.austin.tx.us>

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Subject: RE: Bowie Street - Planning Commission Materials

Keith.

Attached, please find the building and site plan information our architect, Jason Crist with HKS, presented to the Planning Commission on Tuesday evening. Per our discussion, please forward this information to the Planning Commission as requested at the hearing. We are available to answer any questions city staff or Planning Commissioners should have regarding this information between now and the next hearing on October 11th.

Below, please find square footage and parking information for the "Base Scheme" and "Study 2" plans below as labeled in the attached PDF file:

Base Scheme:

Net Rentable Square Footage - Office: 42,615
Net Rentable Square Footage - Residential: 336,700
Parking Spaces Provided*: 503
Parking Garage Levels: 7

Study 2:

Net Rentable Square Footage - Office: 42,615
Net Rentable Square Footage - Residential: 283,564
Parking Spaces Provided*: 418
Parking Garage Levels: 7

* Please note that the "Parking Spaces Provided" numbers above for the two schemes represent a 5% reduction to the actual number of parking spaces in the current design. At this stage in the process it is prudent to apply a 5% reduction to parking counts to account for unforeseen design constraints (life safety, structural, etc...) that can reduce parking.

Both plans detailed above are designed to comply with the following site constraints:

- 1) Building setback from Shoal Creek centerline. 60' height limitation within 60' of the 2 yr storm event creek centerline.
- 2) Shoal Creek Hike and Bike Trail
- 3) 100 year and 25 year floodplains
- 4) Fire department access requirements (Fire Lanes, property line setbacks for fire hose access)
- 5) transportation requirements
- 6) Great Streets

Thank you, Will Marsh Endeavor Real Estate Group 504 Lavaca Street, Suite 1160 Austin, Texas 78701 (512) 682-5550 direct

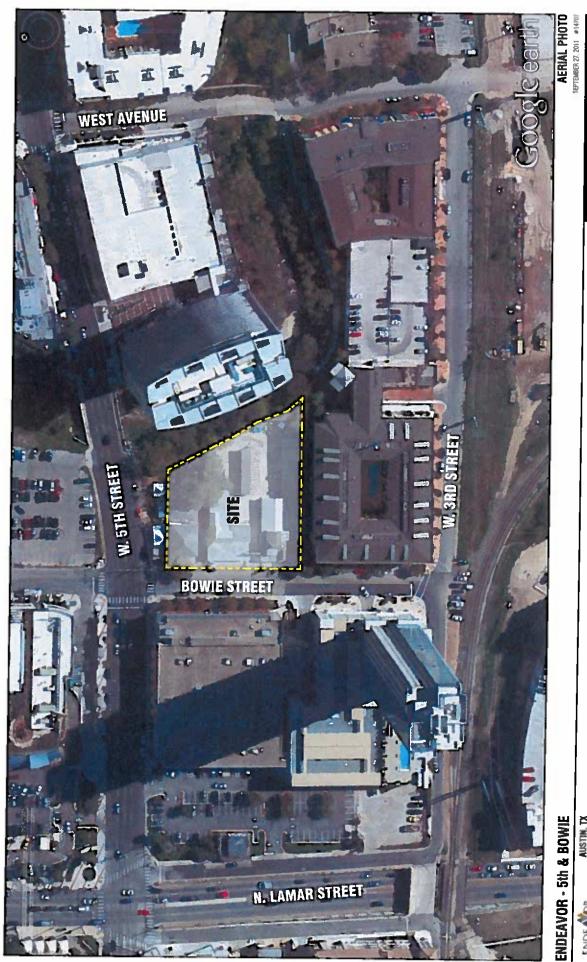


(512) 947-6174 mobile (512) 682-5507 fax

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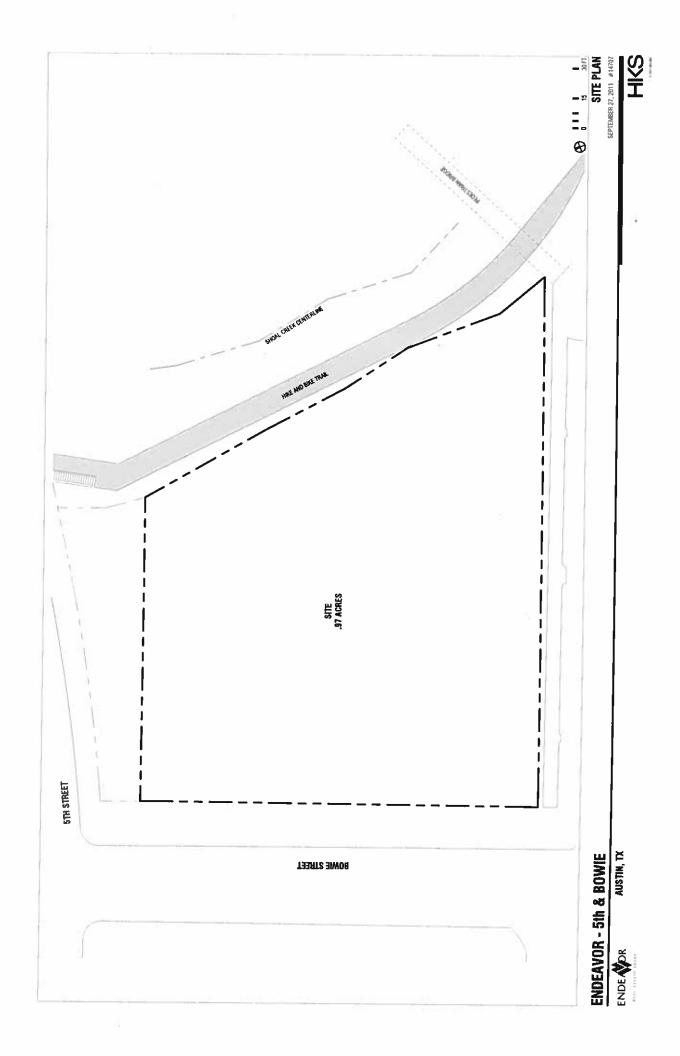
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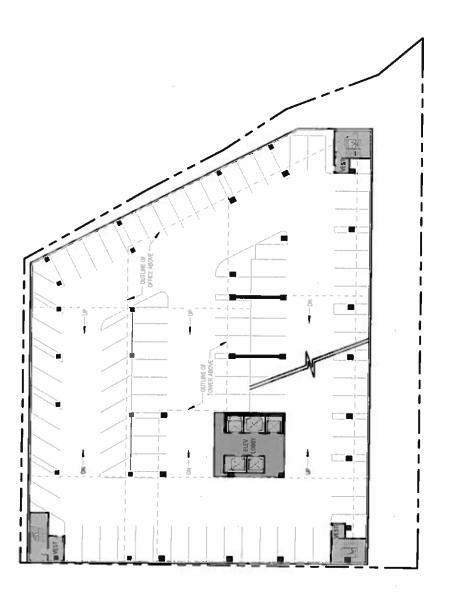


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BASE SCHEME - TYPICAL PARKING LEVEL

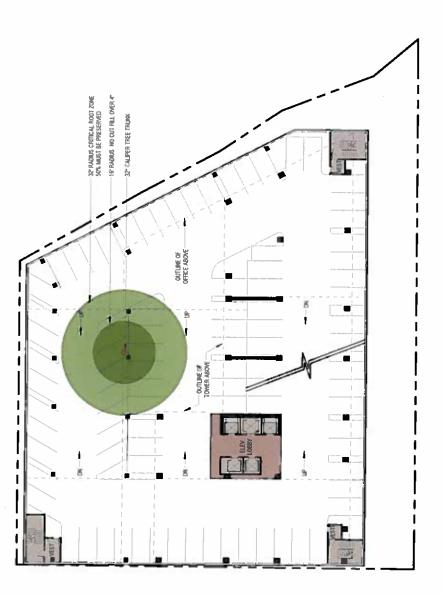
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BASE SCHEME - TYPICAL PARKING PLAN - 32" CALIPER TREE ZONES
SEPTEMBER 27, 2011 # PLANE

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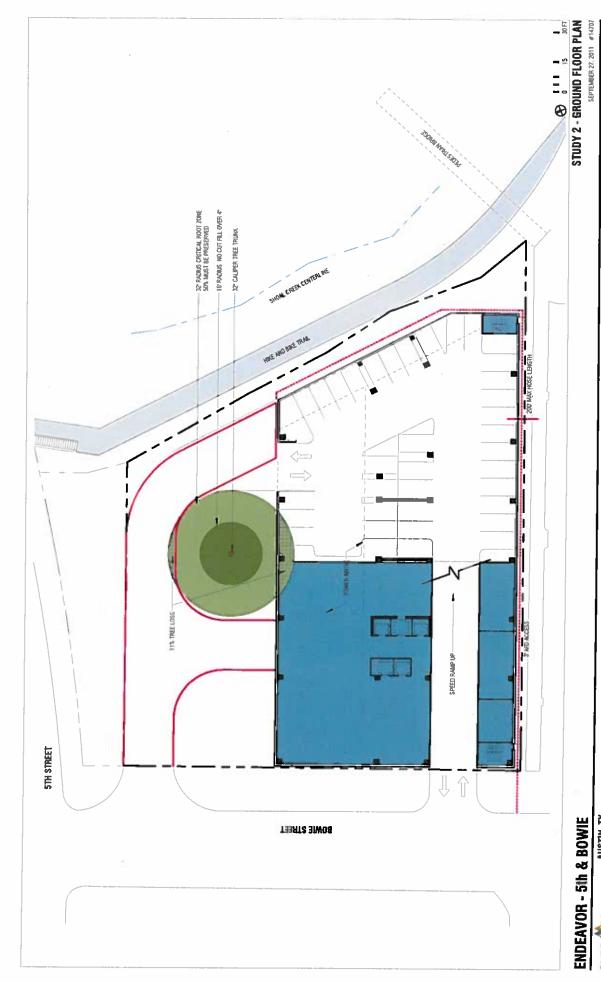
STUDY 1 - "L" SCHEME - TYPICAL PARKING PLAN
SEPTEMBER 27 2011 # 1 4047

16 RADBUS, NO CUT FILL OVER 4" 32" RADIUS CRITICAL ROOT ZONE 50% MLIST BE PRESERVED 32" CALIPER TREE TRUNK 24% TREE LOSS

> AUSTIN, TX ENDEAVOR - 5th & BOWIE



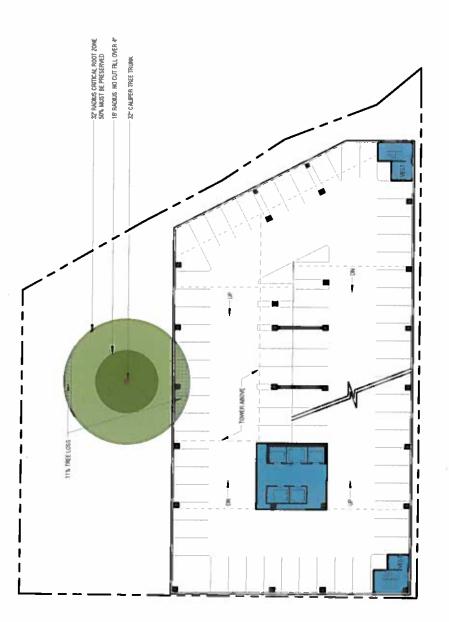
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Comprehensive Plan Resolution

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Major Points

- 1. Provide adequate direction to either the Planning Commission or Citizen Advisory Task Force to comprehensively review the draft of Imagine Austin and respond to the concerns being raised.
- 2. Review the action items brought up during the working group discussions and ensure the ideas have been captured within the draft. (ex. Local Business)
- 3. Identify any inconsistencies between existing plans and elements of the existing comprehensive plan and the new comprehensive plan. (ex. W 35th St / NPCTs)
- 4. Give community members an opportunity to request additional information / data. This is meant to meant to compile a list of potential data for further discussion.
- 5. Provide a method of tracking how recommended action items relate to the policy recommendations in the plan.
- 6. Provide additional insight to how the action items will actually achieve the vision laid out in the plan (performance measures).
- 7. Review the benchmarks laid out in the plan and potentially recommend new ones.
- 8. Develop a work plan with a schedule and let council know what would be needed to carry out the requests.

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RESOLUTION NO. 20090827-030

WHEREAS, the City Council has selected Wallace, Roberts, and Todd (WRT) to assist the City of Austin and the greater Austin community to create a new Comprehensive Plan; and

WHEREAS, community engagement in civic affairs is a longstanding community value; and

WHEREAS, wide-ranging and quality community involvement has been identified as an important element of the Comprehensive Plan planning process; and

WHEREAS, WRT recommended the formation of a Comprehensive Plan Citizens Advisory Task Force in their February 12, 2009 presentation to the City Council; and

WHEREAS, through public forums, Planning Commission
Comprehensive Plan Committee meetings, and other public venues the
community has expressed a desire for the creation of a Comprehensive
Plan Citizens Advisory Task Force; and

WHEREAS, the Planning Commission has recommended the formation of a fourteen to twenty-four member Comprehensive Plan Citizens Advisory Task Force; and

WHEREAS, much of the work on the Comprehensive Plan will be performed by citizens in technical subcommittees that address elements



(defined in the City Charter) of the Comprehensive Plan; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

- 1. A Comprehensive Plan Citizens Advisory Task Force ("Task Force") is created which shall:
 - a) work with the consultant team and City staff to help all members of the community articulate the common values that will guide Austin into the future;
 - champion the planning process as an ongoing venue for reaching out to Austin and bringing its many perspectives together where they can amicably engage one another;
 - c) assess how well all parts of the community are participating;
 - d) provide community contact to bring concerns about the plan direction and content to the consultant team and City staff; and
 - e) collaborate with the consultant team and City staff in assessing common ground based on community input.

2. The Task Force shall:

a) consist of 21 to 29 members who either live, own property, own a business, or work within the corporate limits of the

City or its extraterritorial jurisdiction; in the event it is necessary to achieve diversity, additional members may be considered by Council;

- b) include representatives of a diverse group of community interests;
- c) comply with Subsection (C) of City Code Section 2-1-21
 (Eligibility Requirements and Removal), addressing the
 ineligibility of lobbyists or those employed by lobbyists to serve
 on the Task Force; and
- d) be recommended by the Council's Comprehensive Planning and Transportation Committee and appointed by Council.
- 4. The Task Force shall comply with Subsections (A) and (B) of City Code Section 2-1-26 (Attendance Requirements and Automatic Vacation).
- 5. A quorum for the conduct of business is a majority of its appointed members.
- 6. The Task Force shall be dissolved on the earlier of 35 months from the effective date of this resolution or on the date that Council adopts a new Comprehensive Plan.

BE IT FURTHER RESOLVED:

The City Manager shall provide necessary resources and technical assistance to the Task Force.

ADOPTED: August 27, 2009 ATTEST: Shirley A. Gentry
City Clerk

57. Approve a resolution authorizing the creation of a Bond Election Advisory Committee and directing the presentation to council of briefings relating to planning of the 2012 bond propositions. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Laura Morrison CO 2: Mayor Lee Leffingwell)

Resolution No. 20111006-057 was approved with the following friendly amendment and amendment on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote. The friendly amendments from Council Member Spelman were to have subsections (D) and (E) read, "(D) The committee shall work within the scope of a needs assessment and funding priorities to be recommended by City Staff. The Committee will ensure the projects it recommends for bond funding provide the greatest longterm benefits to the public and that recommended funds are sufficient to support these projects. (E) In addition to conducting regular open and posted meetings for the purpose of considering potential bond projects that have been identified in the needs assessment, representatives of the committee shall attend a series of public briefings conducted at City Council meetings for which subsequent dates will be provided." The amendment was accepted by the maker of the motion. The amendments from the Mayor Pro Tem was to add "except for projects receiving funding from other sources" at the end of Council Member Spelman's amended section (E), change the name from "Bond Election Advisory Committee" to "Bond Election Advisory Task Force", and to include a sunset clause. Direction was given to staff to recruit members for the Bond Election Advisory Task Force.

WHEREAS, the City of Austin is a dynamic community that faces unique challenges and opportunities as the city continues to grow; and

WHEREAS, in the coming decades, many new citizens and businesses will call Austin their home, and, within the next 20 to 40 years, the population of the region is projected by numerous sources to grow by more than a million; and

WHEREAS, good planning as well as timely and adequate investment in infrastructure to accommodate growth will determine whether this continued growth in population and commerce will benefit or harm the region; and

WHEREAS, the Imagine Austin Comprehensive Plan, through an educational and consensus-oriented process, developed a vision for how the City of Austin should develop and presents a new opportunity for coordinated investment; and

WHEREAS, it is vital that the City allocates and prioritizes funds for goals such as the preservation of open space and the development of urban density; and

WHEREAS, by initiating a bond election based on support of the vision of the Imagine Austin Comprehensive Plan, the City will provide funding for the capital resources that are necessary to shape and define future population growth in a manner that benefits the City of Austin through enhancing the quality of life; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

- (A) A Bond Election Advisory Committee is established to identify and prioritize bond funding for projects that will advance the vision identified by the Imagine Austin planning process.
- (B) The committee shall be composed of 15 members.
- (C) The committee members shall be appointed by November 10, 2011, as follows:
 - (1) Each Council Member will nominate two city residents as voting members for appointment; and
 - (2) The Planning Commission shall appoint one member of their commission or a designee.
- (D) The committee shall work within the scope of a needs assessment and funding priorities to be recommended by City staff.
- (E) In addition to conducting regular open and posted meetings for the purpose of considering potential bond projects that have been identified in the needs assessment, the committee shall attend a series of public briefings conducted at City Council meetings for which subsequent dates will be provided.

Atty. Responsible: LRF\ C:\Documents and Settings\samudioc\Local Settings\ Temporary Internet Files\OLKA\IFC 2012 Bond Advisory Election Final RES 9302011.doc

(F) The entirety of the committee's proceedings shall be open to the public to maximize citizen engagement and the committee's efforts will culminate in recommendations to be considered by the City Council regarding potential bond projects.

BE IT FURTHER RESOLVED:

The City Manager is directed to schedule and conduct public briefings as needed to be presented to the City Council to provide information regarding the City's current bonded indebtedness, bond ratings, and future bonding capacity, as well as a prioritized capital improvements needs assessment for the purpose of planning future bond proposals.

ADOPTED:	, 2011	ATTEST:	88
		_	Shirley A. Gentry
			City Clerk

RESOLUTION NO.

WHEREAS, in October of 2009, City of Austin staff and a consultant team lead by Wallace Roberts & Todd (WRT) began collecting public input for the Imagine Austin Comprehensive Plan; and

WHEREAS, the City Council established the Comprehensive Plan Citizens Advisory Task Force to work with the consultant team and City staff on the ongoing development of the comprehensive plan; and

WHEREAS, City staff and WRT released a draft of the Imagine Austin Comprehensive Plan on September 26, 2011 for public review and comment; and

WHEREAS, widespread community engagement and support is necessary for the successful adoption and implementation of the new comprehensive plan;

WHEREAS, the Citizens Advisory Task Force adopted a small group process for reviewing the Comprehensive Plan and receiving public feedback; **NOW**, **THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Citizens Advisory Task Force is directed to carry out the following tasks and provide recommendations to the Comprehensive Planning and Transportation Committee of the City Council:

a. review the totality of public input provided during the working group discussions for the comprehensive plan elements and provide recommendations on potential amendments to the

- comprehensive plan and/or recommendations on what further input needs to be gathered;
- b. work with the established working groups and stakeholders, such as Chambers of Commerce and Neighborhood Planning Contact Teams, to compare and contrast existing adopted components of the Comprehensive Plan (e.g., Create Austin, Families and Children Master Plan, Bicycle Master Plan, Neighborhood Plans) and major planning documents from other entities such as area independent school districts with the proposed Comprehensive Plan to help identify potential conflicts and omissions and make recommendations to improve the consistency between the plans;
- c. review the data and analysis provided throughout the process of development of the Comprehensive Plan, assess the completeness of the data and analysis, and make recommendations on what new data and analysis might be needed for the continued development of the Comprehensive Plan;
- d. review and develop additional metrics to assess the validity of the various components of the Comprehensive Plan, including a traceability matrix to track the relationship between 'building block policies' and 'building block actions', to further provide insight on the relationship between the policy recommendations and their ability to achieve the community's vision;

- e. review and develop performance measures and benchmarks to facilitate the on-going implementation of the Comprehensive Plan; and
- f. recommend a schedule for the completion of the Comprehensive Plan, including adequate time for review and discussion by the boards and commissions.

BE IT FURTHER RESOLVED:

That the Citizens Advisory Task Force is directed to provide recommendations to the Comprehensive Planning and Transportation Committee of the City Council on process improvements necessary to allow the Task Force to carry out the responsibilities described above.

BE IT FURTHER RESOLVED:

That the City Manager is directed to support the Citizens Advisory Task Force in meeting the responsibilities described above and serve as a resource in providing the pertinent information necessary to successfully complete the comprehensive planning process.

ADOPTED:	, 2011	ATTEST:	
			Shirley A. Gentry
			City Clerk

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